

Redmon



Mr. Speaker: I am instructed by the Senate to inform the House of

Representatives that the Senate has taken up and passed

HB 1900

entitled:

AN ACT

To repeal sections 3.060, 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 37.005, 37.010, 37.020, 37.110, 160.545, 161.418, 161.424, 181.110, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.935, 196.1103, 209.251, 210.1014, 217.575, 251.100, 251.240, 253.320, 261.010, 301.020, 302.171, 311.650, 311.730, 313.210, 320.260, 334.125, 361.010, 595.036, 595.037, 595.060, 610.029, 610.120, 620.1100, and 620.1580, RSMo, and to enact in lieu thereof sixty-nine new sections for the sole purpose of restructuring statutes based on executive branch reorganizations.

WITH SA 1, SA 2, SA 3, SA 4, SA 5

EE ADDED

In which the concurrence of the House is respectfully requested.

Respectfully,

A handwritten signature in cursive script, reading "Terry L. Spieler".

Terry L. Spieler
Secretary of the Senate

MAY 18 2012

SENATE AMENDMENT NO. 1

Offered by Munzinger of 18th

Amend HCS/House Bill No. 1900, Pages 33-34, Section 210.1014, Line ,

2 by striking all of said section from the bill; and

3 Further amend said bill, pages 39-40, section 301.4040, by
4 striking all of said section from the bill; and

5 Further amend said bill, page 43, section 311.730, by
6 striking all of said section from the bill; and

7 Further amend said bill, pages 43-44, section 311.735, by
8 striking all of said section from the bill; and

9 Further amend the title and enacting clause accordingly.

10

offered 5-18-12
adopted 5-18-12

SENATE AMENDMENT NO. 2Offered by Green of _____Amend HCS/House Bill No. 1900, Page 20, Section 37.110, Line 5,

2 by inserting immediately after said line the following:

3 "71.012. 1. Notwithstanding the provisions of sections
4 71.015 and 71.860 to 71.920, the governing body of any city, town
5 or village may annex unincorporated areas which are contiguous
6 and compact to the existing corporate limits of the city, town or
7 village pursuant to this section. The term "contiguous and
8 compact" does not include a situation whereby the unincorporated
9 area proposed to be annexed is contiguous to the annexing city,
10 town or village only by a railroad line, trail, pipeline or other
11 strip of real property less than one-quarter mile in width within
12 the city, town or village so that the boundaries of the city,
13 town or village after annexation would leave unincorporated areas
14 between the annexed area and the prior boundaries of the city,
15 town or village connected only by such railroad line, trail,
16 pipeline or other such strip of real property. The term
17 "contiguous and compact" does not prohibit voluntary annexations
18 pursuant to this section merely because such voluntary annexation
19 would create an island of unincorporated area within the city,
20 town or village, so long as the owners of the unincorporated
21 island were also given the opportunity to voluntarily annex into

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1 the city, town or village. Notwithstanding the provisions of
2 this section, the governing body of any city, town or village in
3 any county of the third classification which borders a county of
4 the fourth classification, a county of the second classification
5 and the Mississippi River may annex areas along a road or highway
6 up to two miles from existing boundaries of the city, town or
7 village or the governing body in any city, town or village in any
8 county of the third classification without a township form of
9 government with a population of at least twenty-four thousand
10 inhabitants but not more than thirty thousand inhabitants and
11 such county contains a state correctional center may voluntarily
12 annex such correctional center pursuant to the provisions of this
13 section if the correctional center is along a road or highway
14 within two miles from the existing boundaries of the city, town
15 or village.

16 2. (1) When a [verified] notarized petition, requesting
17 annexation and signed by the owners of all fee interests of
18 record in all tracts of real property located within the area
19 proposed to be annexed, or a request for annexation signed under
20 the authority of the governing body of any common interest
21 community and approved by a majority vote of unit owners located
22 within the area proposed to be annexed is presented to the
23 governing body of the city, town or village, the governing body
24 shall hold a public hearing concerning the matter not less than
25 fourteen nor more than sixty days after the petition is received,
26 and the hearing shall be held not less than seven days after
27 notice of the hearing is published in a newspaper of general
28 circulation qualified to publish legal matters and located within
29 the boundary of the petitioned city, town or village. If no such

1 newspaper exists within the boundary of such city, town or
2 village, then the notice shall be published in the qualified
3 newspaper nearest the petitioned city, town or village. For the
4 purposes of this subdivision, the term "common-interest
5 community" shall mean a condominium as said term is used in
6 chapter 448, or a common-interest community, a cooperative, or a
7 planned community.

8 (a) A "common-interest community" shall be defined as real
9 property with respect to which a person, by virtue of such
10 person's ownership of a unit, is obliged to pay for real property
11 taxes, insurance premiums, maintenance or improvement of other
12 real property described in a declaration. "Ownership of a unit"
13 does not include a leasehold interest of less than twenty years
14 in a unit, including renewal options;

15 (b) A "cooperative" shall be defined as a common-interest
16 community in which the real property is owned by an association,
17 each of whose members is entitled by virtue of such member's
18 ownership interest in the association to exclusive possession of
19 a unit;

20 (c) A "planned community" shall be defined as a
21 common-interest community that is not a condominium or a
22 cooperative. A condominium or cooperative may be part of a
23 planned community.

24 (2) At the public hearing any interested person,
25 corporation or political subdivision may present evidence
26 regarding the proposed annexation.

27
28 If, after holding the hearing, the governing body of the city,
29 town or village determines that the annexation is reasonable and

1 necessary to the proper development of the city, town or village,
2 and the city, town or village has the ability to furnish normal
3 municipal services to the area to be annexed within a reasonable
4 time, it may, subject to the provisions of subdivision (3) of
5 this subsection, annex the territory by ordinance without further
6 action.

7 (3) If a written objection to the proposed annexation is
8 filed with the governing body of the city, town or village not
9 later than fourteen days after the public hearing by at least
10 five percent of the qualified voters of the city, town or
11 village, or two qualified voters of the area sought to be annexed
12 if the same contains two qualified voters, the provisions of
13 sections 71.015 and 71.860 to 71.920, shall be followed.

14 3. If no objection is filed, the city, town or village
15 shall extend its limits by ordinance to include such territory,
16 specifying with accuracy the new boundary lines to which the
17 city's, town's or village's limits are extended. Upon duly
18 enacting such annexation ordinance, the city, town or village
19 shall cause three certified copies of the same to be filed with
20 the county assessor and the clerk of the county wherein the city,
21 town or village is located, and one certified copy to be filed
22 with the election authority, if different from the clerk of the
23 county which has jurisdiction over the area being annexed,
24 whereupon the annexation shall be complete and final and
25 thereafter all courts of this state shall take judicial notice of
26 the limits of that city, town or village as so extended.

27 4. Any action of any kind seeking to deannex from any city,
28 town, or village any area annexed under this section or seeking,
29 in any way, to reverse, invalidate, set aside, or otherwise

1 challenge such annexation or oust such city, town, or village
2 from jurisdiction over such annexed area shall be brought within
3 three years of the date of adoption of the annexation ordinance.

4 71.014. 1. Notwithstanding the provisions of section
5 71.015, the governing body of any city, town, or village which is
6 located within a county which borders a county of the first
7 classification with a charter form of government with a
8 population in excess of six hundred fifty thousand, proceeding as
9 otherwise authorized by law or charter, may annex unincorporated
10 areas which are contiguous and compact to the existing corporate
11 limits upon [verified] notarized petition requesting such
12 annexation signed by the owners of all fee interests of record in
13 all tracts located within the area to be annexed.

14 2. Any action of any kind seeking to deannex from any city,
15 town, or village any area annexed under this section or seeking,
16 in any way, to reverse, invalidate, set aside, or otherwise
17 challenge such annexation or oust such city, town, or village
18 from jurisdiction over such annexed area shall be brought within
19 three years of the date of adoption of the annexation ordinance.

20 71.015. 1. Should any city, town, or village, not located
21 in any county of the first classification which has adopted a
22 constitutional charter for its own local government, seek to
23 annex an area to which objection is made, the following shall be
24 satisfied:

25 (1) Before the governing body of any city, town, or village
26 has adopted a resolution to annex any unincorporated area of
27 land, such city, town, or village shall first as a condition
28 precedent determine that the land to be annexed is contiguous to
29 the existing city, town, or village limits and that the length of

1 the contiguous boundary common to the existing city, town, or
2 village limit and the proposed area to be annexed is at least
3 fifteen percent of the length of the perimeter of the area
4 proposed for annexation.

5 (2) The governing body of any city, town, or village shall
6 propose an ordinance setting forth the following:

7 (a) The area to be annexed and affirmatively stating that
8 the boundaries comply with the condition precedent referred to in
9 subdivision (1) above;

10 (b) That such annexation is reasonable and necessary to the
11 proper development of the city, town, or village;

12 (c) That the city has developed a plan of intent to provide
13 services to the area proposed for annexation;

14 (d) That a public hearing shall be held prior to the
15 adoption of the ordinance;

16 (e) When the annexation is proposed to be effective, the
17 effective date being up to thirty-six months from the date of any
18 election held in conjunction thereto.

19 (3) The city, town, or village shall fix a date for a
20 public hearing on the ordinance and make a good faith effort to
21 notify all fee owners of record within the area proposed to be
22 annexed by certified mail, not less than thirty nor more than
23 sixty days before the hearing, and notify all residents of the
24 area by publication of notice in a newspaper of general
25 circulation qualified to publish legal matters in the county or
26 counties where the proposed area is located, at least once a week
27 for three consecutive weeks prior to the hearing, with at least
28 one such notice being not more than twenty days and not less than
29 ten days before the hearing.

1 (4) At the hearing referred to in subdivision (3), the
2 city, town, or village shall present the plan of intent and
3 evidence in support thereof to include:

4 (a) A list of major services presently provided by the
5 city, town, or village including, but not limited to, police and
6 fire protection, water and sewer systems, street maintenance,
7 parks and recreation, and refuse collection[, etc.];

8 (b) A proposed time schedule whereby the city, town, or
9 village plans to provide such services to the residents of the
10 proposed area to be annexed within three years from the date the
11 annexation is to become effective;

12 (c) The level at which the city, town, or village assesses
13 property and the rate at which it taxes that property;

14 (d) How the city, town, or village proposes to zone the
15 area to be annexed;

16 (e) When the proposed annexation shall become effective.

17 (5) Following the hearing, and either before or after the
18 election held in subdivision (6) of this subsection, should the
19 governing body of the city, town, or village vote favorably by
20 ordinance to annex the area, the governing body of the city, town
21 or village shall file an action in the circuit court of the
22 county in which such unincorporated area is situated, under the
23 provisions of chapter 527, praying for a declaratory judgment
24 authorizing such annexation. The petition in such action shall
25 state facts showing:

26 (a) The area to be annexed and its conformity with the
27 condition precedent referred to in subdivision (1) of this
28 subsection;

29 (b) That such annexation is reasonable and necessary to the

1 proper development of the city, town, or village; and

2 (c) The ability of the city, town, or village to furnish
3 normal municipal services of the city, town, or village to the
4 unincorporated area within a reasonable time not to exceed three
5 years after the annexation is to become effective. Such action
6 shall be a class action against the inhabitants of such
7 unincorporated area under the provisions of section 507.070.

8 (6) Except as provided in subsection 3 of this section, if
9 the court authorizes the city, town, or village to make an
10 annexation, the legislative body of such city, town, or village
11 shall not have the power to extend the limits of the city, town,
12 or village by such annexation until an election is held at which
13 the proposition for annexation is approved by a majority of the
14 total votes cast in the city, town, or village and by a separate
15 majority of the total votes cast in the unincorporated territory
16 sought to be annexed. However, should less than a majority of
17 the total votes cast in the area proposed to be annexed vote in
18 favor of the proposal, but at least a majority of the total votes
19 cast in the city, town, or village vote in favor of the proposal,
20 then the proposal shall again be voted upon in not more than one
21 hundred twenty days by both the registered voters of the city,
22 town, or village and the registered voters of the area proposed
23 to be annexed. If at least two-thirds of the qualified electors
24 voting thereon are in favor of the annexation, then the city,
25 town, or village may proceed to annex the territory. If the
26 proposal fails to receive the necessary majority, no part of the
27 area sought to be annexed may be the subject of another proposal
28 to annex for a period of two years from the date of the election,
29 except that, during the two-year period, the owners of all fee

1 interests of record in the area or any portion of the area may
2 petition the city, town, or village for the annexation of the
3 land owned by them pursuant to the procedures in section 71.012.
4 The elections shall if authorized be held, except as herein
5 otherwise provided, in accordance with the general state law
6 governing special elections, and the entire cost of the election
7 or elections shall be paid by the city, town, or village
8 proposing to annex the territory.

9 (7) Failure to comply in providing services to the said
10 area or to zone in compliance with the plan of intent within
11 three years after the effective date of the annexation, unless
12 compliance is made unreasonable by an act of God, shall give rise
13 to a cause of action for deannexation which may be filed in the
14 circuit court by any resident of the area who was residing in the
15 area at the time the annexation became effective.

16 (8) No city, town, or village which has filed an action
17 under this section as this section read prior to May 13, 1980,
18 which action is part of an annexation proceeding pending on May
19 13, 1980, shall be required to comply with subdivision (5) of
20 this subsection in regard to such annexation proceeding.

21 (9) If the area proposed for annexation includes a public
22 road or highway but does not include all of the land adjoining
23 such road or highway, then such fee owners of record, of the
24 lands adjoining said highway shall be permitted to intervene in
25 the declaratory judgment action described in subdivision (5) of
26 this subsection.

27 2. Notwithstanding any provision of subsection 1 of this
28 section, for any annexation by any city with a population of
29 three hundred fifty thousand or more inhabitants which is located

1 in more than one county that becomes effective after August 28,
2 1994, if such city has not provided water and sewer service to
3 such annexed area within three years of the effective date of the
4 annexation, a cause of action shall lie for deannexation, unless
5 the failure to provide such water and sewer service to the
6 annexed area is made unreasonable by an act of God. The cause of
7 action for deannexation may be filed in the circuit court by any
8 resident of the annexed area who is presently residing in the
9 area at the time of the filing of the suit and was a resident of
10 the annexed area at the time the annexation became effective. If
11 the suit for deannexation is successful, the city shall be liable
12 for all court costs and attorney fees.

13 3. Notwithstanding the provisions of subdivision (6) of
14 subsection 1 of this section, all cities, towns, and villages
15 located in any county of the first classification with a charter
16 form of government with a population of two hundred thousand or
17 more inhabitants which adjoins a county with a population of nine
18 hundred thousand or more inhabitants shall comply with the
19 provisions of this subsection. If the court authorizes any city,
20 town, or village subject to this subsection to make an
21 annexation, the legislative body of such city, town or village
22 shall not have the power to extend the limits of such city, town,
23 or village by such annexation until an election is held at which
24 the proposition for annexation is approved by a majority of the
25 total votes cast in such city, town, or village and by a separate
26 majority of the total votes cast in the unincorporated territory
27 sought to be annexed; except that:

28 (1) In the case of a proposed annexation in any area which
29 is contiguous to the existing city, town or village and which is

1 within an area designated as flood plain by the Federal Emergency
2 Management Agency and which is inhabited by no more than thirty
3 registered voters and for which a final declaratory judgment has
4 been granted prior to January 1, 1993, approving such annexation
5 and where notarized affidavits expressing approval of the
6 proposed annexation are obtained from a majority of the
7 registered voters residing in the area to be annexed, the area
8 may be annexed by an ordinance duly enacted by the governing body
9 and no elections shall be required; and

10 (2) In the case of a proposed annexation of unincorporated
11 territory in which no qualified electors reside, if at least a
12 majority of the qualified electors voting on the proposition are
13 in favor of the annexation, the city, town or village may proceed
14 to annex the territory and no subsequent election shall be
15 required. If the proposal fails to receive the necessary
16 separate majorities, no part of the area sought to be annexed may
17 be the subject of any other proposal to annex for a period of two
18 years from the date of such election, except that, during the
19 two-year period, the owners of all fee interests of record in the
20 area or any portion of the area may petition the city, town, or
21 village for the annexation of the land owned by them pursuant to
22 the procedures in section 71.012 or 71.014. The election shall,
23 if authorized, be held, except as otherwise provided in this
24 section, in accordance with the general state laws governing
25 special elections, and the entire cost of the election or
26 elections shall be paid by the city, town, or village proposing
27 to annex the territory. Failure of the city, town or village to
28 comply in providing services to the area or to zone in compliance
29 with the plan of intent within three years after the effective

1 date of the annexation, unless compliance is made unreasonable by
2 an act of God, shall give rise to a cause of action for
3 deannexation which may be filed in the circuit court not later
4 than four years after the effective date of the annexation by any
5 resident of the area who was residing in such area at the time
6 the annexation became effective or by any nonresident owner of
7 real property in such area. Except for a cause of action for
8 deannexation under this subdivision (2) of this subsection, any
9 action of any kind seeking to deannex from any city, town, or
10 village any area annexed under this section or seeking, in any
11 way, to reverse, invalidate, set aside, or otherwise challenge
12 such annexation or oust such city, town, or village from
13 jurisdiction over such annexed area shall be brought within three
14 years of the date of adoption of the annexation ordinance."; and

15 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 3

Offered by

Jumping

of

24thAmend HCS/House Bill No. 1900, Page 10, Section 34.031, Line 76,

2 by inserting after all of said line the following:

3 "34.225. 1. This section shall be known and may be cited
4 as the "Iran Energy Divestment Act".

5 2. As used in this section, the following terms shall mean:

6 (1) "Awarding body", a department, board, agency,
7 authority, or officer, agent, or other authorized representative
8 of the public entity awarding a contract for goods or services;

9 (2) "Energy sector", activities to develop petroleum or
10 natural gas resources or nuclear power;

11 (3) "Financial institution", the term as used in Section
12 14(5) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50
13 U.S.C. 1701 note);

14 (4) "Iran", any agency or instrumentality of Iran;

15 (5) "Person", any of the following:

16 (a) A natural person, corporation, company, limited
17 liability company, business association, partnership, society,
18 trust, or any other nongovernmental entity, organization, or
19 group;

20 (b) Any governmental entity or instrumentality of a
21 government, including a multilateral development institution, as
22 defined in Section 1701(c)(3) of the International Financial

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1 Institutions Act (22 U.S.C. 262r(c)(3)):

2 (c) Any successor, subunit, parent company, or subsidiary
3 of, or company under common ownership or control with, any entity
4 described in paragraph (a) or (b) of this subsection;

5 (6) "Proscribed investor", a person that directly engages
6 in investment activities in the energy sector in Iran. A person
7 engages directly in investment activities in the energy sector in
8 Iran if any of the following is true:

9 (a) The person directly invests twenty million dollars or
10 more in the energy sector in Iran;

11 (b) The person provides oil or liquified natural gas
12 tankers, or products used to construct or maintain pipelines used
13 to transport oil or liquified natural gas, for the energy sector
14 in Iran;

15 (c) The person is a financial institution that directly
16 provides a commercial loan of twenty million dollars or more to
17 another person, for forty-five days or more, if such financial
18 institution had actual knowledge that such person would use the
19 proceeds from the commercial loan to invest in the energy sector
20 in Iran;

21 (7) "Public entity", the state or any officer, official,
22 authority, board, or commission of the state and any county,
23 city, or other political subdivision of the state, or any
24 institution supported in whole or in part by public funds.

25 3. A proscribed investor is ineligible to, and shall not,
26 bid on, submit a proposal for, or enter into, a contract with a
27 public entity for goods or services in excess of one million
28 dollars.

29 4. A public entity shall require a person that submits a

bid or proposal to, or otherwise proposes to enter into a
contract with, a public entity with respect to a contract for
goods or services in excess of one million dollars, that
currently has business activities or other operations outside of
the United States, to certify that the person is not a proscribed
investor. A person may rely on one or more lists of persons
engaging in investment activities in the energy sector in Iran
developed by other states acting under the authority of the
Federal Comprehensive Iran Sanctions Accountability and
Divestment Act of 2010 when certifying that it is not a
proscribed investor.

5. (1) The awarding body shall report to the attorney
general the name of the person that the awarding body determines
has submitted a false certification together with its information
as to the false certification. The attorney general has the sole
authority to determine whether to bring a civil action against
the person to collect the penalty described in paragraph (a) of
subdivision (2) of this subsection. No private right of action
is created by this section. If it is determined in the action
that the person submitted a false certification, the person shall
pay all costs and fees the plaintiff incurred in a civil action,
including costs incurred by the awarding body for investigations
that led to the finding of the false certification and all costs
and fees incurred by the attorney general.

(2) If the attorney general determines that a person has
submitted a false certification under subsection 4 of this
section, the person shall be subject to the following:

(a) A civil penalty of two hundred fifty thousand dollars;

(b) Termination, without penalty, of an existing contract

1 with the awarding body;

2 (c) Ineligibility to bid on, or enter into, a contract with
3 a public entity for a period of three years from the date of the
4 determination that the person submitted the false certification.

5 6. (1) If the awarding body determines that a person that
6 has an existing contract with the awarding body, has submitted a
7 pending bid or contract proposal to, or otherwise proposes to
8 enter into a contract with the awarding body by using credible
9 information available to the public and determines that the
10 person is a proscribed investor, the awarding body shall provide
11 ninety days written notice of its intent to not enter into or
12 renew a contract for goods or services with the person. The
13 notice shall specify that the person may become eligible for a
14 future contract for goods or services with the awarding body if
15 it ceases its direct engagement in investment activities in the
16 energy sector in Iran.

17 (2) The awarding body shall provide a person determined to
18 be a proscribed investor with an opportunity to demonstrate in
19 writing to the awarding body that it is not engaged in investment
20 activities in the energy sector in Iran. If the awarding body
21 determines that the person is not engaged in investment
22 activities in the energy sector in Iran, the person shall be
23 eligible to enter into or renew a contract for goods or services
24 with the awarding body."; and

25 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 4Offered by Mayer of _____Amend HCS/House Bill No. 1900, Page 23, Section 161.424, Line 14,

2 by inserting after all of said line the following:

3 "161.870. 1. By September 1, 2012, the department of
4 elementary and secondary education shall establish a work group
5 to assess the available resources needed for effective work
6 experiences for students and young adults with disabilities. The
7 work group shall review all interagency coordination of services
8 that match young adults who have disabilities with employers who
9 need employees to ensure that these services are adequately
10 meeting the following needs of students and young adults with
11 disabilities who seek employment and need assistance with job
12 placement:

13 (1) Recruitment;

14 (2) Assessment;

15 (3) Counseling;

16 (4) Pre-employment skills training;

17 (5) Vocational training;

18 (6) Student wages for try-out employment;

19 (7) Placement in unsubsidized employment; and

20 (8) Other assistance with transition to a quality adult

21 life.

*Offered 5-18-12
adopted 5-18-12*

1 2. The goal of the work group shall be to evaluate the
2 current efforts and available resources and to promote the
3 involvement of key stakeholders including students, families,
4 educators, employers and other agencies in planning and
5 implementing an array of services that will culminate in
6 successful student transition to employment, lifelong learning,
7 and quality of life. The work group shall focus on secondary
8 students and young adults with disabilities.

9 3. The work group shall:

10 (1) Assess the strengths and need for improvement in
11 services for transition services, instruction, and experiences
12 that reinforce core curriculum concepts and skills leading to
13 gainful employment for students and young adults with
14 disabilities;

15 (2) Determine if any additional state partnerships provided
16 through nonfinancial interagency agreements between the
17 department of health and senior services, the department of
18 economic development, the department of mental health, or the
19 department of social services, or in the private sector, are
20 needed to enhance the employment potential of students and young
21 adults with disabilities;

22 (3) Focus its efforts in developing careers for students and
23 young adults with disabilities, in order to prevent economic and
24 social dependency on state and community agencies and resources;
25 and

26 (4) Report its findings to the director.

27 4. The department of elementary and secondary education
28 shall make recommendations based on the findings of the work
29 group and report them to the general assembly prior to January 1,

1 2013.

2 5. The work group shall be administered and its members
3 chosen by the commissioner of education. Work group members
4 shall include existing personnel and human resources available to
5 the department of elementary and secondary education including
6 but not limited to representatives from state agencies, local
7 advocacy groups and community members with valuable input
8 regarding the needs of disabled students and individuals, or
9 members of the general assembly.

10 6. The department of elementary and secondary education may
11 promulgate all necessary rules and regulations for the
12 administration of this section. Any rule or portion of a rule,
13 as that term is defined in section 536.010, that is created under
14 the authority delegated in this section shall become effective
15 only if it complies with and is subject to all of the provisions
16 of chapter 536 and, if applicable, section 536.028. This section
17 and chapter 536 are nonseverable and if any of the powers vested
18 with the general assembly pursuant to chapter 536 to review, to
19 delay the effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after August 28, 2012,
22 shall be invalid and void."; and

23 Further amend said bill, page 32, section 209.015, line 26
24 by inserting after all of said line the following:

25 "209.150. 1. Every person with a visual, aural or
26 [physical] other disability, as defined in section 213.010, shall
27 have the same rights afforded to a person with no such disability
28 to the full and free use of the streets, highways, sidewalks,
29 walkways, public buildings, public facilities, and other public

1 places.

2 2. Every person with a visual, aural or [physical] other
3 disability, as defined in section 213.010, is entitled to full
4 and equal accommodations, advantages, facilities, and privileges
5 of all common carriers, airplanes, motor vehicles, railroad
6 trains, motor buses, taxis, streetcars, boats or any other public
7 conveyances or modes of transportation, hotels, lodging places,
8 places of public accommodation, amusement or resort, and other
9 places to which the general public is invited, subject only to
10 the conditions and limitations established by law and applicable
11 alike to all persons.

12 3. Every person with a visual, aural or [physical] other
13 disability, as defined in section 213.010, shall have the right
14 to be accompanied by a guide dog, hearing dog, or service dog,
15 which is especially trained for the purpose, in any of the places
16 listed in subsection 2 of this section without being required to
17 pay an extra charge for the guide dog, hearing dog or service
18 dog; provided that such person shall be liable for any damage
19 done to the premises or facilities by such dog.

20 4. As used in sections 209.150 to 209.190, the term
21 "service dog" means any dog specifically trained to assist a
22 person with a physical or mental disability by performing
23 necessary [physical] tasks or doing work which the person cannot
24 perform. Such tasks shall include, but not be limited to,
25 pulling a wheelchair, retrieving items, [and] carrying supplies,
26 and search and rescue of an individual with a disability.

27 209.152. Any trainer, from a recognized training center, of
28 a guide dog, hearing assistance dog or service dog, or any member
29 of a service dog team, as defined in section 209.200, shall have

1 the right to be accompanied by such dog in or upon any of the
2 premises listed in section 209.150 while engaged in the training
3 of the dog without being required to pay an extra charge for such
4 dog. Such trainer or service dog team member shall be liable for
5 any damage done to the premise of facilities by such dog.

6 209.200. As used in sections 209.200 to 209.204, the
7 following terms shall mean:

8 (1) "Disability", as defined in section 213.010;

9 (2) "Service dog", a dog that is being or has been
10 specially trained to do work or perform tasks which benefit a
11 particular person with a disability. Service dog includes but is
12 not limited to:

13 (a) "Guide dog", a dog that is being or has been specially
14 trained to assist a particular blind or visually impaired person;

15 (b) "Hearing dog", a dog that is being or has been
16 specially trained to assist a particular deaf or hearing-impaired
17 person;

18 (c) "Medical alert or [respond] response dog", a dog that
19 is being or has been trained to alert a person with a disability
20 that a particular medical event is about to occur or to respond
21 to a medical event that has occurred;

22 (d) "Mobility dog", a dog that is being or has been
23 specially trained to assist a person with a disability caused by
24 physical impairments;

25 (e) "Professional therapy dog", a dog which is selected,
26 trained, and tested to provide specific physical therapeutic
27 functions, under the direction and control of a qualified handler
28 who works with the dog as a team as a part of the handler's
29 occupation or profession. Such dogs, with their handlers,

1 perform such functions in institutional settings, community-based
2 group settings, or when providing services to specific persons
3 who have disabilities. Professional therapy dogs do not include
4 dogs, certified or not, which are used by volunteers in
5 visitation therapy;

6 (f) "Search and rescue dog", a dog that is being or has
7 been trained to search for or prevent a person with a mental
8 disability, including but not limited to verbal and nonverbal
9 autism, from becoming lost;

10 (3) "Service team dog", a team consisting of a trained
11 service dog, a disabled person or child, and a person who is an
12 adult and who has been trained to handle the service dog.

13 209.202. 1. Any person who [knowingly, intentionally, or
14 recklessly causes substantial physical injury to or the death of
15 a service dog], with reckless disregard, injures or kills or
16 permits a dog that he or she owns or is in the immediate control
17 of to injure or kill a service animal is guilty of a class A
18 misdemeanor. [The provisions of this subsection shall not apply
19 to the destruction of a service dog for humane purposes.]

20 2. Any person who [knowingly or intentionally fails to
21 exercise sufficient control over an animal such person owns,
22 keeps, harbors, or exercises control over to prevent the animal
23 from causing the substantial physical injury to or death of a
24 service dog, or the subsequent inability to function as a service
25 dog as a result of the animal's attacking, chasing, or harassing
26 the service dog], with reckless disregard, interferes with or
27 permits a dog that he or she owns or is in the immediate control
28 of to interfere with the use of a service animal by obstructing,
29 intimidating, or otherwise jeopardizing the safety of the service

1 animal or its user is guilty of a class B misdemeanor. Any
2 second or subsequent violation of this section is guilty of a
3 class A misdemeanor.

4 3. Any person who [harasses or chases a dog known to such
5 person to be a service dog is guilty of a class B misdemeanor.

6 4. Any person who owns, keeps, harbors, or exercises
7 control over an animal and who knowingly or intentionally fails
8 to exercise sufficient control over the animal to prevent such
9 animal from chasing or harassing a service dog while such dog is
10 carrying out the dog's function as a service dog, to the extent
11 that the animal temporarily interferes with the service dog's
12 ability to carry out the dog's function is guilty of a class B
13 misdemeanor] intentionally injures or kills or permits a dog that
14 he or she owns or is in the immediate control of to injure or
15 kill a service animal is guilty of a class D felony.

16 5. [An owner of a service dog or a person with a disability
17 who uses a service dog may file a cause of action to recover
18 civil damages against any person who:

19 (1) Violates the provisions of subsection 1 or 2 of this
20 section; or

21 (2) Steals a service dog resulting in the loss of the
22 services of the service dog.

23 6. Any civil damages awarded under subsection 5 of this
24 section shall be based on the following:

25 (1) The replacement value of an equally trained service
26 dog, without any differentiation for the age or experience of the
27 service dog;

28 (2) The cost and expenses incurred by the owner of a
29 service dog or the person with a disability who used the service

1 dog, including:

2 (a) The cost of temporary replacement services, whether
3 provided by another service dog or by a person;

4 (b) The reasonable costs incurred in efforts to recover a
5 stolen service dog; and

6 (c) Court costs and attorney's fees incurred in bringing a
7 civil action under subsection 5 of this section.

8 7. An owner of a service dog or a person with a disability
9 who uses a service dog may file a cause of action to recover
10 civil damages against a person who:

11 (1) Violates the provisions of subsections 1 to 4 of this
12 section resulting in injury from which the service dog recovers
13 to an extent that the dog is able to function as a service dog
14 for the person with a disability; or

15 (2) Steals a service dog and the service dog is recovered
16 resulting in the service dog being able to function as a service
17 dog for the person with a disability.

18 8. Any civil damages awarded under subsection 7 of this
19 section shall be based on the following:

20 (1) Veterinary medical expenses;

21 (2) Retraining expenses;

22 (3) The cost of temporary replacement services, whether
23 provided by another service dog or by a person;

24 (4) Reasonable costs incurred in the recovery of the
25 service dog; and

26 (5) Court costs and attorney's fees incurred in bringing
27 the civil action under subsection 7 of this section.] (1) In
28 addition to any other penalty, a person who is convicted of a
29 violation of this section shall make full restitution for all

1 damages that arise out of or are related to the offense,
2 including but not limited to incidental and consequential damages
3 incurred by the service animal's user.

4 (2) Restitution includes, but is not limited to:

5 (a) The value of the animal;

6 (b) Replacement and training or retraining expenses for the
7 service animal and the user;

8 (c) Veterinary and other medical and boarding expenses for
9 the service animal;

10 (d) Medical expenses for the user; and

11 (e) Lost wages or income incurred by the user during any
12 period that the user is without the services of the service
13 animal.

14 [9.] 6. The provisions of this section shall not apply:

15 (1) If a person with a disability, an owner, or a person
16 having custody or supervision of a service dog commits criminal
17 or civil trespass; or

18 (2) To the destruction of a service dog for humane
19 purposes.

20 [10.] 7. Nothing in this section shall be construed to
21 preclude any other remedies available at law."; and

22 Further amend said bill, page 36, section 261.010, line 6 by
23 inserting after all of said line the following:

24 "288.034. 1. "Employment" means service, including service
25 in interstate commerce, performed for wages or under any contract
26 of hire, written or oral, express or implied, and notwithstanding
27 any other provisions of this section, service with respect to
28 which a tax is required to be paid under any federal unemployment
29 tax law imposing a tax against which credit may be taken for

1 contributions required to be paid into a state unemployment fund
2 or which, as a condition for full tax credit against the tax
3 imposed by the Federal Unemployment Tax Act, is required to be
4 covered under this law.

5 2. The term "employment" shall include an individual's
6 entire service, performed within or both within and without this
7 state if:

8 (1) The service is localized in this state; or

9 (2) The service is not localized in any state but some of
10 the service is performed in this state and the base of
11 operations, or, if there is no base of operations, then the place
12 from which such service is directed or controlled, is in this
13 state; or the base of operations or place from which such service
14 is directed or controlled is not in any state in which some part
15 of the service is performed but the individual's residence is in
16 this state.

17 3. Service performed by an individual for wages shall be
18 deemed to be employment subject to this law:

19 (1) If covered by an election filed and approved pursuant
20 to subdivision (2) of subsection 3 of section 288.080;

21 (2) If covered by an arrangement pursuant to section
22 288.340 between the division and the agency charged with the
23 administration of any other state or federal unemployment
24 insurance law, pursuant to which all services performed by an
25 individual for an employing unit are deemed to be performed
26 entirely within this state.

27 4. Service shall be deemed to be localized within a state
28 if the service is performed entirely within such state; or the
29 service is performed both within and without such state, but the

1 service performed without such state is incidental to the
2 individual's service within the state; for example, is temporary
3 or transitory in nature or consists of isolated transactions.

4 5. Service performed by an individual for remuneration
5 shall be deemed to be employment subject to this law unless it is
6 shown to the satisfaction of the division that such services were
7 performed by an independent contractor. In determining the
8 existence of the independent contractor relationship, the common
9 law of agency right to control shall be applied. The common law
10 of agency right to control test shall include but not be limited
11 to: if the alleged employer retains the right to control the
12 manner and means by which the results are to be accomplished, the
13 individual who performs the service is an employee. If only the
14 results are controlled, the individual performing the service is
15 an independent contractor.

16 6. The term "employment" shall include service performed
17 for wages as an agent-driver or commission-driver engaged in
18 distributing meat products, vegetable products, fruit products,
19 bakery products, beverages (other than milk), or laundry or
20 dry-cleaning services, for his or her principal; or as a
21 traveling or city salesman, other than as an agent-driver or
22 commission-driver, engaged upon a full-time basis in the
23 solicitation on behalf of, and the transmission to, his or her
24 principal (except for sideline sales activities on behalf of some
25 other person) of orders from wholesalers, retailers, contractors,
26 or operators of hotels, restaurants, or other similar
27 establishments for merchandise for resale or supplies for use in
28 their business operations, provided:

29 (1) The contract of service contemplates that substantially

1 all of the services are to be performed personally by such
2 individual; and

3 (2) The individual does not have a substantial investment
4 in facilities used in connection with the performance of the
5 services (other than in facilities for transportation); and

6 (3) The services are not in the nature of a single
7 transaction that is not part of a continuing relationship with
8 the person for whom the services are performed.

9 7. Service performed by an individual in the employ of this
10 state or any political subdivision thereof or any instrumentality
11 of any one or more of the foregoing which is wholly owned by this
12 state and one or more other states or political subdivisions, or
13 any service performed in the employ of any instrumentality of
14 this state or of any political subdivision thereof, and one or
15 more other states or political subdivisions, provided that such
16 service is excluded from employment as defined in the Federal
17 Unemployment Tax Act by Section 3306(c)(7) of that act and is not
18 excluded from employment pursuant to subsection 9 of this
19 section, shall be employment subject to this law.

20 8. Service performed by an individual in the employ of a
21 corporation or any community chest, fund, or foundation organized
22 and operated exclusively for religious, charitable, scientific,
23 testing for public safety, literary, or educational purposes, or
24 for the prevention of cruelty to children or animals, no part of
25 the net earnings of which inures to the benefit of any private
26 shareholder or individual, or other organization described in
27 Section 501(c)(3) of the Internal Revenue Code which is exempt
28 from income tax under Section 501(a) of that code if the
29 organization had four or more individuals in employment for some

1 portion of a day in each of twenty different weeks whether or not
2 such weeks were consecutive within a calendar year regardless of
3 whether they were employed at the same moment of time shall be
4 employment subject to this law.

5 9. For the purposes of subsections 7 and 8 of this section,
6 the term "employment" does not apply to service performed:

7 (1) In the employ of a church or convention or association
8 of churches, or an organization which is operated primarily for
9 religious purposes and which is operated, supervised, controlled,
10 or principally supported by a church or convention or association
11 of churches; or

12 (2) By a duly ordained, commissioned, or licensed minister
13 of a church in the exercise of such minister's ministry or by a
14 member of a religious order in the exercise of duties required by
15 such order; or

16 (3) In the employ of a governmental entity referred to in
17 subdivision (3) of subsection 1 of section 288.032 if such
18 service is performed by an individual in the exercise of duties:

19 (a) As an elected official;

20 (b) As a member of a legislative body, or a member of the
21 judiciary, of a state or political subdivision;

22 (c) As a member of the state national guard or air national
23 guard;

24 (d) As an employee serving on a temporary basis in case of
25 fire, storm, snow, earthquake, flood or similar emergency;

26 (e) In a position which, under or pursuant to the laws of
27 this state, is designated as (i) a major nontenured policy-making
28 or advisory position, or (ii) a policy-making or advisory
29 position the performance of the duties of which ordinarily does

1 not require more than eight hours per week; or

2 (4) In a facility conducted for the purpose of carrying out
3 a program of rehabilitation for individuals whose earning
4 capacity is impaired by age or physical or mental deficiency or
5 injury or providing remunerative work for individuals who because
6 of their impaired physical or mental capacity cannot be readily
7 absorbed in the competitive labor market, by an individual
8 receiving such rehabilitation or remunerative work; or

9 (5) As part of an unemployment work-relief or work-training
10 program assisted or financed in whole or in part by any federal
11 agency or an agency of a state or political subdivision thereof,
12 by an individual receiving such work relief or work training; or

13 (6) By an inmate of a custodial or penal institution; or

14 (7) In the employ of a school, college, or university, if
15 such service is performed (i) by a student who is enrolled and is
16 regularly attending classes at such school, college, or
17 university, or (ii) by the spouse of such a student, if such
18 spouse is advised, at the time such spouse commences to perform
19 such service, that (I) the employment of such spouse to perform
20 such service is provided under a program to provide financial
21 assistance to such student by such school, college, or
22 university, and (II) such employment will not be covered by any
23 program of unemployment insurance.

24 10. The term "employment" shall include the service of an
25 individual who is a citizen of the United States, performed
26 outside the United States (except in Canada), if:

27 (1) The employer's principal place of business in the
28 United States is located in this state; or

29 (2) The employer has no place of business in the United

1 States, but:

2 (a) The employer is an individual who is a resident of this
3 state; or

4 (b) The employer is a corporation which is organized under
5 the laws of this state; or

6 (c) The employer is a partnership or a trust and the number
7 of the partners or trustees who are residents of this state is
8 greater than the number who are residents of any one other state;
9 or

10 (3) None of the criteria of subdivisions (1) and (2) of
11 this subsection is met but the employer has elected coverage in
12 this state or, the employer having failed to elect coverage in
13 any state, the individual has filed a claim for benefits, based
14 on such service, under the law of this state;

15 (4) As used in this subsection and in subsection 11 of this
16 section, the term "United States" includes the states, the
17 District of Columbia and the Commonwealth of Puerto Rico.

18 11. An "American employer", for the purposes of subsection
19 10 of this section, means a person who is:

20 (1) An individual who is a resident of the United States;
21 or

22 (2) A partnership, if two-thirds or more of the partners
23 are residents of the United States; or

24 (3) A trust, if all of the trustees are residents of the
25 United States; or

26 (4) A corporation organized under the laws of the United
27 States or of any state.

28 12. The term "employment" shall not include:

29 (1) Service performed by an individual in agricultural

1 labor;

2 (a) For the purposes of this subdivision, the term
3 "agricultural labor" means remunerated service performed:

4 a. On a farm, in the employ of any person, in connection
5 with cultivating the soil, or in connection with raising or
6 harvesting any agricultural or horticultural commodity, including
7 the raising, shearing, feeding, caring for, training, and
8 management of livestock, bees, poultry, and furbearing animals
9 and wildlife;

10 b. In the employ of the owner or tenant or other operator
11 of a farm, in connection with the operation, management,
12 conservation, improvement, or maintenance of such farm and its
13 tools and equipment, or in salvaging timber or clearing land of
14 brush and other debris left by a hurricane, if the major part of
15 such service is performed on a farm;

16 c. In connection with the production or harvesting of any
17 commodity defined as an agricultural commodity in Section 15(g)
18 of the Federal Agricultural Marketing Act, as amended (46 Stat.
19 1550, Sec. 3; 12 U.S.C. 1441j), or in connection with the
20 ginning of cotton, or in connection with the operation or
21 maintenance of ditches, canals, reservoirs, or waterways, not
22 owned or operated for profit, used exclusively for supplying and
23 storing water for farming purposes;

24 d. (i) In the employ of the operator of a farm in
25 handling, planting, drying, packing, packaging, processing,
26 freezing, grading, storing, or delivering to storage or to market
27 or to a carrier for transportation to market, in its
28 unmanufactured state, any agricultural or horticultural
29 commodity; but only if such operator produced more than one-half

1 of the commodity with respect to which such service is performed;

2 (ii) In the employ of a group of operators of farms (or a
3 cooperative organization of which such operators are members) in
4 the performance of services described in item (i) of this
5 subparagraph, but only if such operators produced more than
6 one-half of the commodity with respect to which such service is
7 performed;

8 (iii) The provisions of items (i) and (ii) of this
9 subparagraph shall not be deemed to be applicable with respect to
10 service performed in connection with commercial canning or
11 commercial freezing or in connection with any agricultural or
12 horticultural commodity after its delivery to a terminal market
13 for distribution for consumption; or

14 e. On a farm operated for profit if such service is not in
15 the course of the employer's trade or business. As used in this
16 paragraph, the term "farm" includes stock, dairy, poultry, fruit,
17 furbearing animals, and truck farms, plantations, ranches,
18 nurseries, ranges, greenhouses or other similar structures, used
19 primarily for the raising of agricultural or horticultural
20 commodities, and orchards;

21 (b) The term "employment" shall include service performed
22 after December 31, 1977, by an individual in agricultural labor
23 as defined in paragraph (a) of this subdivision when such service
24 is performed for a person who, during any calendar quarter, paid
25 remuneration in cash of twenty thousand dollars or more to
26 individuals employed in agricultural labor or for some portion of
27 a day in a calendar year in each of twenty different calendar
28 weeks, whether or not such weeks were consecutive, employed in
29 agricultural labor ten or more individuals, regardless of whether

1 they were employed at the same moment of time;

2 (c) For the purposes of this subsection any individual who
3 is a member of a crew furnished by a crew leader to perform
4 service in agricultural labor for any other person shall be
5 considered as employed by such crew leader:

6 a. If such crew leader holds a valid certificate of
7 registration under the Farm Labor Contractor Registration Act of
8 1963; or substantially all the members of such crew operate or
9 maintain tractors, mechanized harvesting or crop-dusting
10 equipment, or any other mechanized equipment, which is provided
11 by such crew leader; and

12 b. If such individual is not in employment by such other
13 person;

14 c. If any individual is furnished by a crew leader to
15 perform service in agricultural labor for any other person and
16 that individual is not in the employment of the crew leader:

17 (i) Such other person and not the crew leader shall be
18 treated as the employer of such individual; and

19 (ii) Such other person shall be treated as having paid cash
20 remuneration to such individual in an amount equal to the amount
21 of cash remuneration paid to such individual by the crew leader
22 (either on his or her own behalf or on behalf of such other
23 person) for the service in agricultural labor performed for such
24 other person;

25 d. For the purposes of this subsection, the term "crew
26 leader" means an individual who:

27 (i) Furnishes individuals to perform service in
28 agricultural labor for any other person;

29 (ii) Pays (either on his or her own behalf or on behalf of

1 such other person) the individuals so furnished by him or her for
2 the service in agricultural labor performed by them; and

3 (iii) Has not entered into a written agreement with such
4 other person under which such individual is designated as in
5 employment by such other person;

6 (2) Domestic service in a private home except as provided
7 in subsection 13 of this section;

8 (3) Service performed by an individual under the age of
9 eighteen years in the delivery or distribution of newspapers or
10 shopping news but shall not include delivery or distribution to
11 any point for subsequent delivery or distribution;

12 (4) Service performed by an individual in, and at the time
13 of, the sale of newspapers or magazines to ultimate consumers
14 under an arrangement under which the newspapers or magazines are
15 to be sold by him or her at a fixed price, his or her
16 compensation being based on the retention of the excess of such
17 price over the amount at which the newspapers or magazines are
18 charged to him or her, whether or not he or she is guaranteed a
19 minimum amount of compensation for such service, or is entitled
20 to be credited with the unsold newspapers or magazines turned
21 back;

22 (5) Service performed by an individual in the employ of his
23 or her son, daughter, or spouse, and service performed by a child
24 under the age of twenty-one in the employ of his or her father or
25 mother;

26 (6) Except as otherwise provided in this law, service
27 performed in the employ of a corporation, community chest, fund
28 or foundation, organized and operated exclusively for religious,
29 charitable, scientific, literary, or educational purposes, or for

1 the prevention of cruelty to children or animals, no part of the
2 net earnings of which inures to the benefit of any private
3 shareholder or individual;

4 (7) Services with respect to which unemployment insurance
5 is payable under an unemployment insurance system established by
6 an act of Congress;

7 (8) Service performed in the employ of a foreign
8 government;

9 (9) Service performed in the employ of an instrumentality
10 wholly owned by a foreign government:

11 (a) If the service is of a character similar to that
12 performed in foreign countries by employees of the United States
13 government or of an instrumentality thereof; and

14 (b) If the division finds that the foreign government, with
15 respect to whose instrumentality exemption is claimed, grants an
16 equivalent exemption with respect to similar service performed in
17 the foreign country by employees of the United States government
18 and of instrumentalities thereof. The certification of the
19 United States Secretary of State to the United States Secretary
20 of Treasury shall constitute prima facie evidence of such
21 equivalent exemption;

22 (10) Service covered by an arrangement between the division
23 and the agency charged with the administration of any other state
24 or federal unemployment insurance law pursuant to which all
25 services performed by an individual for an employing unit during
26 the period covered by the employing unit's approved election are
27 deemed to be performed entirely within the jurisdiction of such
28 other state or federal agency;

29 (11) Service performed in any calendar quarter in the

1 employ of a school, college or university not otherwise excluded,
2 if such service is performed by a student who is enrolled and
3 regularly attending classes at such school, college, or
4 university, and the remuneration for such service does not exceed
5 fifty dollars (exclusive of board, room, and tuition);

6 (12) Service performed by an individual for a person as a
7 licensed insurance agent, a licensed insurance broker, or an
8 insurance solicitor, if all such service performed by such
9 individual for such person is performed for remuneration solely
10 by way of commissions;

11 (13) Domestic service performed in the employ of a local
12 college club or of a local chapter of a college fraternity or
13 sorority, except as provided in subsection 13 of this section;

14 (14) Services performed after March 31, 1982, in programs
15 authorized and funded by the Comprehensive Employment and
16 Training Act by participants of such programs, except those
17 programs with respect to which unemployment insurance coverage is
18 required by the Comprehensive Employment and Training Act or
19 regulations issued pursuant thereto;

20 (15) Service performed by an individual who is enrolled at
21 a nonprofit or public educational institution which normally
22 maintains a regular faculty and curriculum and normally has a
23 regularly organized body of students in attendance at the place
24 where its educational activities are carried on, as a student in
25 a full-time program, taken for credit at such institution, which
26 combines academic instruction with work experience, if such
27 service is an integral part of such program, and such institution
28 has so certified to the employer; except, that this subdivision
29 shall not apply to service performed in a program established for

1 or on behalf of an employer or group of employers;

2 (16) Services performed by a licensed real estate
3 salesperson or licensed real estate broker if substantially all
4 of the remuneration, whether or not paid in cash, for the
5 services performed, rather than to the number of hours worked, is
6 directly related to sales or other output, including the
7 performance of services, performed pursuant to a written contract
8 between such individual and the person for whom the services are
9 performed and such contract provides that the individual will not
10 be treated as an employee with respect to such services for
11 federal tax purposes;

12 (17) Services performed as a direct seller who is engaged
13 in the trade or business of the delivering or distribution of
14 newspapers or shopping news, including any services directly
15 related to such trade or business, or services performed as a
16 direct seller who is engaged in the trade or business of selling,
17 or soliciting the sale of, consumer products in the home or
18 otherwise than in, or affiliated with, a permanent, fixed retail
19 establishment, if eighty percent or more of the remuneration,
20 whether or not paid in cash, for the services performed rather
21 than the number of hours worked is directly related to sales
22 performed pursuant to a written contract between such direct
23 seller and the person for whom the services are performed, and
24 such contract provides that the individual will not be treated as
25 an employee with respect to such services for federal tax
26 purposes;

27 (18) Services performed as a volunteer research subject who
28 is paid on a per-study basis for scientific, medical or
29 drug-related testing for any organization other than one

1 described in Section 501(c)(3) of the Internal Revenue Code or
2 any governmental entity.

3 13. The term "employment" shall include domestic service as
4 defined in subdivisions (2) and (13) of subsection 12 of this
5 section performed after December 31, 1977, if the employing unit
6 for which such service is performed paid cash wages of one
7 thousand dollars or more for such services in any calendar
8 quarter after December 31, 1977.

9 14. The term "employment" shall include or exclude the
10 entire service of an individual for an employing unit during a
11 pay period in which such individual's services are not all
12 excluded under the foregoing provisions, on the following basis:
13 if the services performed during one-half or more of any pay
14 period constitute employment as otherwise defined in this law,
15 all the services performed during such period shall be deemed to
16 be employment; but if the services performed during more than
17 one-half of any such pay period do not constitute employment as
18 otherwise defined in this law, then none of the services for such
19 period shall be deemed to be employment. (As used in this
20 subsection, the term "pay period" means a period of not more than
21 thirty-one consecutive days for which a payment of remuneration
22 is ordinarily made to the individual by the employing unit
23 employing such individual.) This subsection shall not be
24 applicable with respect to service performed in a pay period
25 where any such service is excluded pursuant to subdivision (8) of
26 subsection 12 of this section.

27 15. The term "employment" shall not include the services of
28 a full-time student who performed such services in the employ of
29 an organized summer camp for less than thirteen calendar weeks in

1 such calendar year.

2 16. For the purpose of subsection 15 of this section, an
3 individual shall be treated as a full-time student for any
4 period:

5 (1) During which the individual is enrolled as a full-time
6 student at an educational institution; or

7 (2) Which is between academic years or terms if:

8 (a) The individual was enrolled as a full-time student at
9 an educational institution for the immediately preceding academic
10 year or term; and

11 (b) There is a reasonable assurance that the individual
12 will be so enrolled for the immediately succeeding academic year
13 or term after the period described in paragraph (a) of this
14 subdivision.

15 17. For the purpose of subsection 15 of this section, an
16 "organized summer camp" shall mean a summer camp which:

17 (1) Did not operate for more than seven months in the
18 calendar year and did not operate for more than seven months in
19 the preceding calendar year; or

20 (2) Had average gross receipts for any six months in the
21 preceding calendar year which were not more than thirty-three and
22 one-third percent of its average gross receipts for the other six
23 months in the preceding calendar year.

24 18. The term "employment" shall not mean service performed
25 by a remodeling salesperson acting as an independent contractor;
26 however, if the federal Internal Revenue Service determines that
27 a contractual relationship between a direct provider and an
28 individual acting as an independent contractor pursuant to the
29 provisions of this subsection is in fact an employer-employee

1 relationship for the purposes of federal law, then that
2 relationship shall be considered as an employer-employee
3 relationship for the purposes of this chapter.

4 19. The term "employment" shall not mean in-home or
5 community-based services performed by a provider contracted to
6 provide such services for the clients of a county board for
7 developmental disability services organized and existing under
8 sections 205.968 to 205.973, provided however, that the vendor
9 shall perform the payroll and fringe benefits accounting
10 functions for the consumer. However, in the event an employment
11 relationship exists between the provider and any worker as
12 determined under this chapter, the services performed by such
13 worker shall be deemed to be employment if the provider is an
14 organization described in Section 501(c)(3) of the Internal
15 Revenue Code, any governmental entity, or a federally recognized
16 Indian tribe."; and

17 Further amend said bill, page 39, section 301.020, line 87.
18 by inserting after all of said line the following:

19 "301.143. 1. As used in this section, the term "vehicle"
20 shall have the same meaning given it in section 301.010, and the
21 term "physically disabled" shall have the same meaning given it
22 in section 301.142.

23 2. Political subdivisions of the state may by ordinance or
24 resolution designate parking spaces for the exclusive use of
25 vehicles which display a distinguishing license plate or [card]
26 placard issued pursuant to section 301.071 or 301.142. Owners of
27 private property used for public parking shall also designate
28 parking spaces for the exclusive use of vehicles which display a
29 distinguishing license plate or [card] placard issued pursuant to

1 section 301.071 or 301.142. Whenever a political subdivision or
2 owner of private property so designates a parking space, the
3 space shall be indicated by a sign upon which shall be inscribed
4 the international symbol of accessibility and may also include
5 any appropriate wording such as "Accessible Parking" to indicate
6 that the space is reserved for the exclusive use of vehicles
7 which display a distinguishing license plate or [card] placard.
8 The sign described in this subsection shall also state, or an
9 additional sign shall be posted below or adjacent to the sign
10 stating, the following: "\$50 to \$300 fine.". [Beginning August
11 28, 2011, When any political subdivision or owner of private
12 property restripes a parking lot or constructs a new parking lot,
13 one in every four accessible spaces, but not less than one, shall
14 be served by an access aisle a minimum of ninety-six inches wide
15 and shall be designated "lift van accessible only" with signs
16 that meet the requirements of the federal Americans with
17 Disabilities Act, as amended, and any rules or regulations
18 established pursuant thereto.] When any political subdivision or
19 owner of private property restripes a parking lot or constructs a
20 new parking lot with twenty-five or more parking spaces, the
21 parking lot and accessible signs shall meet the minimum
22 requirements of the federal Americans with Disabilities Act, as
23 amended, and any rules or regulations established pursuant
24 thereto, for the number of required accessible parking spaces,
25 which shall not be less than one, and shall be served by an
26 access aisle a minimum of ninety-six inches wide and shall be
27 designated "van accessible". If any accessible space is one
28 hundred thirty-two inches wide or wider, then the adjacent access
29 aisle shall be a minimum of sixty inches wide. If any accessible

1 space is less than one hundred thirty-two inches wide, then the
2 adjacent access aisle shall be a minimum of ninety-six inches
3 wide.

4 3. Any political subdivision, by ordinance or resolution,
5 and any person or corporation in lawful possession of a public
6 off-street parking facility or any other owner of private
7 property may designate reserved parking spaces for the exclusive
8 use of vehicles which display a distinguishing license plate or
9 [card] placard issued pursuant to section 301.071 or 301.142 as
10 close as possible to the nearest accessible entrance. Such
11 designation shall be made by posting immediately adjacent to, and
12 visible from, each space, a sign upon which is inscribed the
13 international symbol of accessibility, and may also include any
14 appropriate wording to indicate that the space is reserved for
15 the exclusive use of vehicles which display a distinguishing
16 license plate or [card] placard.

17 4. The local police or sheriff's department may cause the
18 removal of any vehicle not displaying a distinguishing license
19 plate or [card] placard on which is inscribed the international
20 symbol of accessibility and the word "disabled" issued pursuant
21 to section 301.142 or a "disabled veteran" license plate issued
22 pursuant to section 301.071 or a distinguishing license plate or
23 [card] placard issued by any other state from a space designated
24 for physically disabled persons if there is posted immediately
25 adjacent to, and readily visible from, such space a sign on which
26 is inscribed the international symbol of accessibility and may
27 include any appropriate wording to indicate that the space is
28 reserved for the exclusive use of vehicles which display a
29 distinguishing license plate or [card] placard. Any person who

1 parks in a space reserved for physically disabled persons and is
2 not displaying distinguishing license plates or a [card] placard
3 is guilty of an infraction and upon conviction thereof shall be
4 punished by a fine of not less than fifty dollars nor more than
5 three hundred dollars. Any vehicle which has been removed and
6 which is not properly claimed within thirty days thereafter shall
7 be considered to be an abandoned vehicle.

8 5. Spaces designated for use by vehicles displaying the
9 distinguishing "disabled" license plate issued pursuant to
10 section 301.142 or 301.071 shall meet the requirements of the
11 federal Americans with Disabilities Act, as amended, and any
12 rules or regulations established pursuant thereto.
13 Notwithstanding the other provisions of this section, on-street
14 parking spaces designated by political subdivisions in
15 residential areas for the exclusive use of vehicles displaying a
16 distinguishing license plate or [card] placard issued pursuant to
17 section 301.071 or 301.142 shall meet the requirements of the
18 federal Americans with Disabilities Act pursuant to this
19 subsection and any such space shall have clearly and visibly
20 painted upon it the international symbol of accessibility [and
21 any curb adjacent to the space shall be clearly and visibly
22 painted blue].

23 6. Any person who, without authorization, uses a
24 distinguishing license plate or [card] placard issued pursuant to
25 section 301.071 or 301.142 to park in a parking space reserved
26 under authority of this section shall be guilty of a class B
27 misdemeanor.

28 7. Law enforcement officials may enter upon private
29 property open to public use to enforce the provisions of this

1 section and section 301.142, including private property
2 designated by the owner of such property for the exclusive use of
3 vehicles which display a distinguishing license plate or [card]
4 placard issued pursuant to section 301.071 or 301.142.

5 8. Nonconforming signs or spaces otherwise required
6 pursuant to this section which are in use prior to August 28,
7 2011, shall not be in violation of this section during the useful
8 life of such signs or spaces. Under no circumstances shall the
9 useful life of the nonconforming signs or spaces be extended by
10 means other than those means used to maintain any sign or space
11 on the owner's property which is not used for vehicles displaying
12 a disabled license plate.

13 9. Beginning August 28, 2011, all new signs erected under
14 this section shall not contain the words "Handicap Parking" or
15 "Handicapped Parking."; and

16 Further amend said bill, page 43, section 302.171, line 106
17 by inserting after all of said line the following:

18 "304.028. 1. (1) There is hereby created in the state
19 treasury for use by the department of health and senior services
20 a fund to be known as the "Brain Injury Fund". All judgments
21 collected pursuant to this section, federal grants, private
22 donations and any other moneys designated for the brain injury
23 fund shall be deposited in the fund. Moneys deposited in the
24 fund shall, upon appropriation by the general assembly to the
25 department of health and senior services, be received and
26 expended by the department for the purpose of transition [and],
27 integration, and provision of [medical] community-based consumer
28 services in comprehensive brain injury day rehabilitation
29 therapy, vocational, home and community support, social and

1 educational [services or] activities for purposes of outreach and
2 supports to enable individuals with [traumatic] brain injury and
3 their families to live in the community.

4 (2) The department of health and senior services, in
5 cooperation with the department of social services, shall seek
6 waivers from the federal Department of Health and Human Services
7 to allow moneys from the brain injury fund to be used under the
8 MO HealthNet program to provide services under this section.
9 Upon the granting of such waiver, fifty percent of all moneys in
10 the fund shall be designated as MO HealthNet federal match moneys
11 under the waiver. The waivers under this subdivision shall be
12 designed so that parity is established in funding for each of the
13 eligible MO HealthNet service areas to create a balance for
14 access to all brain injury services.

15 (3) A committee shall be created to develop service
16 descriptions, regulations, and parity of funding for eligible MO
17 HealthNet service areas, as needed. The ten-member volunteer
18 committee shall be organized by the department and shall be
19 comprised of two representatives from each of the following:
20 Missouri Association of Rehabilitation Facilities, the Brain
21 Injury Association, the Brain Injury Advisory Council, the
22 department of social services, and the department of health and
23 senior services. The committee composition shall include at
24 least one individual with a brain injury. Once services are
25 established under this section, the committee shall, at a
26 minimum, meet annually to review services using the most current
27 department of health and senior services brain injury needs
28 assessment. The review process shall require the ten-member
29 volunteer committee to be responsible for addressing any

1 modifications needed in the program services. Such review
2 process shall ensure services are meeting the needs of brain
3 injury consumers.

4 (4) Notwithstanding the provisions of section 33.080 to the
5 contrary, any unexpended balance in the brain injury fund at the
6 end of any biennium shall not be transferred to the general
7 revenue fund.

8 2. In all criminal cases including violations of any county
9 ordinance or any violation of criminal or traffic laws of this
10 state, including an infraction, there shall be assessed as costs
11 a surcharge in the amount of two dollars. No such surcharge
12 shall be collected in any proceeding involving a violation of an
13 ordinance or state law when the proceeding or defendant has been
14 dismissed by the court or when costs are to be paid by the state,
15 county or municipality.

16 3. Such surcharge shall be collected and distributed by the
17 clerk of the court as provided in sections 488.010 to 488.020.
18 The surcharge collected pursuant to this section shall be paid to
19 the state treasury to the credit of the brain injury fund
20 established in this section."; and

21 Further amend said bill, page 50, section 621.275, line 19
22 by inserting after all of said line the following:

23 "660.315. 1. After an investigation and a determination
24 has been made to place a person's name on the employee
25 disqualification list, that person shall be notified in writing
26 mailed to his or her last known address that:

27 (1) An allegation has been made against the person, the
28 substance of the allegation and that an investigation has been
29 conducted which tends to substantiate the allegation;

1 (2) The person's name will be included in the employee
2 disqualification list of the department;

3 (3) The consequences of being so listed including the
4 length of time to be listed; and

5 (4) The person's rights and the procedure to challenge the
6 allegation.

7 2. If no reply has been received within thirty days of
8 mailing the notice, the department may include the name of such
9 person on its list. The length of time the person's name shall
10 appear on the employee disqualification list shall be determined
11 by the director or the director's designee, based upon the
12 criteria contained in subsection 9 of this section.

13 3. If the person so notified wishes to challenge the
14 allegation, such person may file an application for a hearing
15 with the department. The department shall grant the application
16 within thirty days after receipt by the department and set the
17 matter for hearing, or the department shall notify the applicant
18 that, after review, the allegation has been held to be unfounded
19 and the applicant's name will not be listed.

20 4. If a person's name is included on the employee
21 disqualification list without the department providing notice as
22 required under subsection 1 of this section, such person may file
23 a request with the department for removal of the name or for a
24 hearing. Within thirty days after receipt of the request, the
25 department shall either remove the name from the list or grant a
26 hearing and set a date therefor.

27 5. Any hearing shall be conducted in the county of the
28 person's residence by the director of the department or the
29 director's designee. The provisions of chapter 536 for a

1 contested case except those provisions or amendments which are in
2 conflict with this section shall apply to and govern the
3 proceedings contained in this section and the rights and duties
4 of the parties involved. The person appealing such an action
5 shall be entitled to present evidence, pursuant to the provisions
6 of chapter 536, relevant to the allegations.

7 6. Upon the record made at the hearing, the director of the
8 department or the director's designee shall determine all
9 questions presented and shall determine whether the person shall
10 be listed on the employee disqualification list. The director of
11 the department or the director's designee shall clearly state the
12 reasons for his or her decision and shall include a statement of
13 findings of fact and conclusions of law pertinent to the
14 questions in issue.

15 7. A person aggrieved by the decision following the hearing
16 shall be informed of his or her right to seek judicial review as
17 provided under chapter 536. If the person fails to appeal the
18 director's findings, those findings shall constitute a final
19 determination that the person shall be placed on the employee
20 disqualification list.

21 8. A decision by the director shall be inadmissible in any
22 civil action brought against a facility or the in-home services
23 provider agency and arising out of the facts and circumstances
24 which brought about the employment disqualification proceeding,
25 unless the civil action is brought against the facility or the
26 in-home services provider agency by the department of health and
27 senior services or one of its divisions.

28 9. The length of time the person's name shall appear on the
29 employee disqualification list shall be determined by the

1 director of the department of health and senior services or the
2 director's designee, based upon the following:

3 (1) Whether the person acted recklessly or knowingly, as
4 defined in chapter 562;

5 (2) The degree of the physical, sexual, or emotional injury
6 or harm; or the degree of the imminent danger to the health,
7 safety or welfare of a resident or in-home services client;

8 (3) The degree of misappropriation of the property or
9 funds, or falsification of any documents for service delivery of
10 an in-home services client;

11 (4) Whether the person has previously been listed on the
12 employee disqualification list;

13 (5) Any mitigating circumstances;

14 (6) Any aggravating circumstances; and

15 (7) Whether alternative sanctions resulting in conditions
16 of continued employment are appropriate in lieu of placing a
17 person's name on the employee disqualification list. Such
18 conditions of employment may include, but are not limited to,
19 additional training and employee counseling. Conditional
20 employment shall terminate upon the expiration of the designated
21 length of time and the person's submitting documentation which
22 fulfills the department of health and senior services'
23 requirements.

24 10. The removal of any person's name from the list under
25 this section shall not prevent the director from keeping records
26 of all acts finally determined to have occurred under this
27 section.

28 11. The department shall provide the list maintained
29 pursuant to this section to other state departments upon request

1 and to any person, corporation, organization, or association who:

2 (1) Is licensed as an operator under chapter 198;

3 (2) Provides in-home services under contract with the
4 department;

5 (3) Employs nurses and nursing assistants for temporary or
6 intermittent placement in health care facilities;

7 (4) Is approved by the department to issue certificates for
8 nursing assistants training;

9 (5) Is an entity licensed under chapter 197; or

10 (6) Is a recognized school of nursing, medicine, or other
11 health profession for the purpose of determining whether students
12 scheduled to participate in clinical rotations with entities
13 described in subdivision (1), (2), or (5) of this subsection are
14 included in the employee disqualification list. The department
15 shall inform any person listed above who inquires of the
16 department whether or not a particular name is on the list. The
17 department may require that the request be made in writing.

18 12. No person, corporation, organization, or association
19 who received the employee disqualification list under
20 subdivisions (1) to (5) of subsection 11 of this section shall
21 knowingly employ any person who is on the employee
22 disqualification list. Any person, corporation, organization, or
23 association who received the employee disqualification list under
24 subdivisions (1) to (5) of subsection 11 of this section, or any
25 person responsible for providing health care service, who
26 declines to employ or terminates a person whose name is listed in
27 this section shall be immune from suit by that person or anyone
28 else acting for or in behalf of that person for the failure to
29 employ or for the termination of the person whose name is listed

1 on the employee disqualification list.

2 13. (1) Any employer [who is] required to [discharge an
3 employee because the employee was placed on a disqualification
4 list maintained by the department of health and senior services
5 after the date of hire] deny employment to an applicant or
6 discharge an employee, provisional or otherwise, as a result of
7 information obtained through any portion of the background
8 screening and employment eligibility determination process, or
9 subsequent, periodic screenings, under section 210.903, shall not
10 be liable in any action brought by the applicant or employee
11 relating to discharge where the employer is required by law to
12 terminate the employee, provisional or otherwise, and shall not
13 be charged for unemployment insurance benefits based on wages
14 paid to the employee for work prior to the date of discharge,
15 pursuant to section 288.100.

16 (2) Notwithstanding subsections 3 and 5 of section 288.090,
17 an employer shall not be charged for unemployment insurance
18 benefits based on wages paid to the employee or an employer
19 making payments in lieu of contributions for work prior to the
20 date of discharge, pursuant to section 288.100, if the employer
21 terminated the employee because the employee:

22 (a) Has been found guilty of, pled guilty or nolo
23 contendere in this state or any other state of a crime as listed
24 in subsection 6 of section 660.317;

25 (b) Was placed on the employee disqualification list under
26 this section, after the date of hire;

27 (c) Was placed on the employee disqualification registry
28 maintained by the department of mental health, after the date of
29 hire;

1 (d) Has a disqualifying finding under this section, section
2 660.317, or is on any of the background check lists in the family
3 care safety registry under sections 210.900 to 210.936; or

4 (e) Was denied a good cause waiver as provided for in
5 subsection 10 of section 660.317.

6
7 The benefits paid to the employee shall not be attributable to
8 service in the employ of the employer required to discharge an
9 employee under the provisions of this subdivision and shall be
10 deemed as such under the unemployment compensation laws of this
11 state.

12 14. Any person who has been listed on the employee
13 disqualification list may request that the director remove his or
14 her name from the employee disqualification list. The request
15 shall be written and may not be made more than once every twelve
16 months. The request will be granted by the director upon a clear
17 showing, by written submission only, that the person will not
18 commit additional acts of abuse, neglect, misappropriation of the
19 property or funds, or the falsification of any documents of
20 service delivery to an in-home services client. The director may
21 make conditional the removal of a person's name from the list on
22 any terms that the director deems appropriate, and failure to
23 comply with such terms may result in the person's name being
24 relisted. The director's determination of whether to remove the
25 person's name from the list is not subject to appeal."; and

26 Further amend said bill, page 51, section 33.753, line 9 by
27 inserting after all of said line the following:

28 "Section B. The provisions of section 161.870 of this act
29 shall terminate on January 1, 2013.

1 Section C. Because immediate action is necessary to ensure
2 compliance with the federal Americans With Disabilities Act, the
3 repeal and reenactment of section 301.143 of this act is deemed
4 necessary for the immediate preservation of the public health,
5 welfare, peace, and safety, and is hereby declared to be an
6 emergency act within the meaning of the constitution, and the
7 repeal and reenactment of section 301.143 of this act shall be in
8 full force and effect upon its passage and approval."; and

9 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 5Offered by Schmitt of 15thAmend HCS/House Bill No. 1900, Page 20, Section 37.110, Line 5,

2 by inserting after all of said line the following:

3 "99.845. 1. A municipality, either at the time a
4 redevelopment project is approved or, in the event a municipality
5 has undertaken acts establishing a redevelopment plan and
6 redevelopment project and has designated a redevelopment area
7 after the passage and approval of sections 99.800 to 99.865 but
8 prior to August 13, 1982, which acts are in conformance with the
9 procedures of sections 99.800 to 99.865, may adopt tax increment
10 allocation financing by passing an ordinance providing that after
11 the total equalized assessed valuation of the taxable real
12 property in a redevelopment project exceeds the certified total
13 initial equalized assessed valuation of the taxable real property
14 in the redevelopment project, the ad valorem taxes, and payments
15 in lieu of taxes, if any, arising from the levies upon taxable
16 real property in such redevelopment project by taxing districts
17 and tax rates determined in the manner provided in subsection 2
18 of section 99.855 each year after the effective date of the
19 ordinance until redevelopment costs have been paid shall be
20 divided as follows:

21 (1) That portion of taxes, penalties and interest levied

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1 upon each taxable lot, block, tract, or parcel of real property
2 which is attributable to the initial equalized assessed value of
3 each such taxable lot, block, tract, or parcel of real property
4 in the area selected for the redevelopment project shall be
5 allocated to and, when collected, shall be paid by the county
6 collector to the respective affected taxing districts in the
7 manner required by law in the absence of the adoption of tax
8 increment allocation financing;

9 (2) (a) Payments in lieu of taxes attributable to the
10 increase in the current equalized assessed valuation of each
11 taxable lot, block, tract, or parcel of real property in the area
12 selected for the redevelopment project and any applicable penalty
13 and interest over and above the initial equalized assessed value
14 of each such unit of property in the area selected for the
15 redevelopment project shall be allocated to and, when collected,
16 shall be paid to the municipal treasurer who shall deposit such
17 payment in lieu of taxes into a special fund called the "Special
18 Allocation Fund" of the municipality for the purpose of paying
19 redevelopment costs and obligations incurred in the payment
20 thereof. Payments in lieu of taxes which are due and owing shall
21 constitute a lien against the real estate of the redevelopment
22 project from which they are derived and shall be collected in the
23 same manner as the real property tax, including the assessment of
24 penalties and interest where applicable. The municipality may,
25 in the ordinance, pledge the funds in the special allocation fund
26 for the payment of such costs and obligations and provide for the
27 collection of payments in lieu of taxes, the lien of which may be
28 foreclosed in the same manner as a special assessment lien as
29 provided in section 88.861. No part of the current equalized

1 assessed valuation of each lot, block, tract, or parcel of
2 property in the area selected for the redevelopment project
3 attributable to any increase above the total initial equalized
4 assessed value of such properties shall be used in calculating
5 the general state school aid formula provided for in section
6 163.031 until such time as all redevelopment costs have been paid
7 as provided for in this section and section 99.850;

8 (b) Notwithstanding any provisions of this section to the
9 contrary, for purposes of determining the limitation on
10 indebtedness of local government pursuant to article VI, section
11 26(b) of the Missouri Constitution, the current equalized
12 assessed value of the property in an area selected for
13 redevelopment attributable to the increase above the total
14 initial equalized assessed valuation shall be included in the
15 value of taxable tangible property as shown on the last completed
16 assessment for state or county purposes;

17 (c) The county assessor shall include the current assessed
18 value of all property within the taxing district in the aggregate
19 valuation of assessed property entered upon the assessor's book
20 and verified pursuant to section 137.245, and such value shall be
21 utilized for the purpose of the debt limitation on local
22 government pursuant to article VI, section 26(b) of the Missouri
23 Constitution;

24 (3) For purposes of this section, "levies upon taxable real
25 property in such redevelopment project by taxing districts" shall
26 not include the blind pension fund tax levied under the authority
27 of article III, section 38(b) of the Missouri Constitution, or
28 the merchants' and manufacturers' inventory replacement tax
29 levied under the authority of subsection 2 of section 6 of

1 article X of the Missouri Constitution, except in redevelopment
2 project areas in which tax increment financing has been adopted
3 by ordinance pursuant to a plan approved by vote of the governing
4 body of the municipality taken after August 13, 1982, and before
5 January 1, 1998.

6 2. In addition to the payments in lieu of taxes described
7 in subdivision (2) of subsection 1 of this section, for
8 redevelopment plans and projects adopted or redevelopment
9 projects approved by ordinance after July 12, 1990, and prior to
10 August 31, 1991, fifty percent of the total additional revenue
11 from taxes, penalties and interest imposed by the municipality,
12 or other taxing districts, which are generated by economic
13 activities within the area of the redevelopment project over the
14 amount of such taxes generated by economic activities within the
15 area of the redevelopment project in the calendar year prior to
16 the adoption of the redevelopment project by ordinance, while tax
17 increment financing remains in effect, but excluding taxes
18 imposed on sales or charges for sleeping rooms paid by transient
19 guests of hotels and motels, taxes levied pursuant to section
20 70.500, licenses, fees or special assessments other than payments
21 in lieu of taxes and any penalty and interest thereon, or,
22 effective January 1, 1998, taxes levied pursuant to section
23 94.660, for the purpose of public transportation, shall be
24 allocated to, and paid by the local political subdivision
25 collecting officer to the treasurer or other designated financial
26 officer of the municipality, who shall deposit such funds in a
27 separate segregated account within the special allocation fund.
28 Any provision of an agreement, contract or covenant entered into
29 prior to July 12, 1990, between a municipality and any other

1 political subdivision which provides for an appropriation of
2 other municipal revenues to the special allocation fund shall be
3 and remain enforceable.

4 3. In addition to the payments in lieu of taxes described
5 in subdivision (2) of subsection 1 of this section, for
6 redevelopment plans and projects adopted or redevelopment
7 projects approved by ordinance after August 31, 1991, fifty
8 percent of the total additional revenue from taxes, penalties and
9 interest which are imposed by the municipality or other taxing
10 districts, and which are generated by economic activities within
11 the area of the redevelopment project over the amount of such
12 taxes generated by economic activities within the area of the
13 redevelopment project in the calendar year prior to the adoption
14 of the redevelopment project by ordinance, while tax increment
15 financing remains in effect, but excluding personal property
16 taxes, taxes imposed on sales or charges for sleeping rooms paid
17 by transient guests of hotels and motels, taxes levied pursuant
18 to section 70.500, taxes levied for the purpose of public
19 transportation pursuant to section 94.660, taxes imposed on sales
20 pursuant to section 650.399 for the purpose of emergency
21 communication systems, licenses, fees or special assessments
22 other than payments in lieu of taxes and penalties and interest
23 thereon, or any sales tax imposed by a county with a charter form
24 of government and with more than six hundred thousand but fewer
25 than seven hundred thousand inhabitants, for the purpose of
26 sports stadium improvement, shall be allocated to, and paid by
27 the local political subdivision collecting officer to the
28 treasurer or other designated financial officer of the
29 municipality, who shall deposit such funds in a separate

1 segregated account within the special allocation fund.

2 4. Beginning January 1, 1998, for redevelopment plans and
3 projects adopted or redevelopment projects approved by ordinance
4 and which have complied with subsections 4 to 12 of this section,
5 in addition to the payments in lieu of taxes and economic
6 activity taxes described in subsections 1, 2 and 3 of this
7 section, up to fifty percent of the new state revenues, as
8 defined in subsection 8 of this section, estimated for the
9 businesses within the project area and identified by the
10 municipality in the application required by subsection 10 of this
11 section, over and above the amount of such taxes reported by
12 businesses within the project area as identified by the
13 municipality in their application prior to the approval of the
14 redevelopment project by ordinance, while tax increment financing
15 remains in effect, may be available for appropriation by the
16 general assembly as provided in subsection 10 of this section to
17 the department of economic development supplemental tax increment
18 financing fund, from the general revenue fund, for distribution
19 to the treasurer or other designated financial officer of the
20 municipality with approved plans or projects.

21 5. The treasurer or other designated financial officer of
22 the municipality with approved plans or projects shall deposit
23 such funds in a separate segregated account within the special
24 allocation fund established pursuant to section 99.805.

25 6. No transfer from the general revenue fund to the
26 Missouri supplemental tax increment financing fund shall be made
27 unless an appropriation is made from the general revenue fund for
28 that purpose. No municipality shall commit any state revenues
29 prior to an appropriation being made for that project. For all

1 redevelopment plans or projects adopted or approved after
2 December 23, 1997, appropriations from the new state revenues
3 shall not be distributed from the Missouri supplemental tax
4 increment financing fund into the special allocation fund unless
5 the municipality's redevelopment plan ensures that one hundred
6 percent of payments in lieu of taxes and fifty percent of
7 economic activity taxes generated by the project shall be used
8 for eligible redevelopment project costs while tax increment
9 financing remains in effect. This account shall be separate from
10 the account into which payments in lieu of taxes are deposited,
11 and separate from the account into which economic activity taxes
12 are deposited.

13 7. In order for the redevelopment plan or project to be
14 eligible to receive the revenue described in subsection 4 of this
15 section, the municipality shall comply with the requirements of
16 subsection 10 of this section prior to the time the project or
17 plan is adopted or approved by ordinance. The director of the
18 department of economic development and the commissioner of the
19 office of administration may waive the requirement that the
20 municipality's application be submitted prior to the
21 redevelopment plan's or project's adoption or the redevelopment
22 plan's or project's approval by ordinance.

23 8. For purposes of this section, "new state revenues"
24 means:

25 (1) The incremental increase in the general revenue portion
26 of state sales tax revenues received pursuant to section 144.020,
27 excluding sales taxes that are constitutionally dedicated, taxes
28 deposited to the school district trust fund in accordance with
29 section 144.701, sales and use taxes on motor vehicles, trailers,

boats and outboard motors and future sales taxes earmarked by law. In no event shall the incremental increase include any amounts attributable to retail sales unless the municipality or authority has proven to the Missouri development finance board and the department of economic development and such entities have made a finding that the sales tax increment attributable to retail sales is from new sources which did not exist in the state during the baseline year. The incremental increase in the general revenue portion of state sales tax revenues for an existing or relocated facility shall be the amount that current state sales tax revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan as provided in subsection 10 of this section; or

(2) The state income tax withheld on behalf of new employees by the employer pursuant to section 143.221 at the business located within the project as identified by the municipality. The state income tax withholding allowed by this section shall be the municipality's estimate of the amount of state income tax withheld by the employer within the redevelopment area for new employees who fill new jobs directly created by the tax increment financing project.

9. Subsection 4 of this section shall apply only to blighted areas located in enterprise zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment zones, or to blighted areas located in central business districts or urban core areas of cities which districts or urban core areas at the time of approval of the project by ordinance, provided that the enterprise zones, federal empowerment zones or blighted areas contained one or more buildings at least fifty years old;

1 and

2 (1) Suffered from generally declining population or
3 property taxes over the twenty-year period immediately preceding
4 the area's designation as a project area by ordinance; or

5 (2) Was a historic hotel located in a county of the first
6 classification without a charter form of government with a
7 population according to the most recent federal decennial census
8 in excess of one hundred fifty thousand and containing a portion
9 of a city with a population according to the most recent federal
10 decennial census in excess of three hundred fifty thousand.

11 10. The initial appropriation of up to fifty percent of the
12 new state revenues authorized pursuant to subsections 4 and 5 of
13 this section shall not be made to or distributed by the
14 department of economic development to a municipality until all of
15 the following conditions have been satisfied:

16 (1) The director of the department of economic development
17 or his or her designee and the commissioner of the office of
18 administration or his or her designee have approved a tax
19 increment financing application made by the municipality for the
20 appropriation of the new state revenues. The municipality shall
21 include in the application the following items in addition to the
22 items in section 99.810:

23 (a) The tax increment financing district or redevelopment
24 area, including the businesses identified within the
25 redevelopment area;

26 (b) The base year of state sales tax revenues or the base
27 year of state income tax withheld on behalf of existing
28 employees, reported by existing businesses within the project
29 area prior to approval of the redevelopment project;

1 (c) The estimate of the incremental increase in the general
2 revenue portion of state sales tax revenue or the estimate for
3 the state income tax withheld by the employer on behalf of new
4 employees expected to fill new jobs created within the
5 redevelopment area after redevelopment;

6 (d) The official statement of any bond issue pursuant to
7 this subsection after December 23, 1997;

8 (e) An affidavit that is signed by the developer or
9 developers attesting that the provisions of subdivision (1) of
10 subsection 1 of section 99.810 have been met and specifying that
11 the redevelopment area would not be reasonably anticipated to be
12 developed without the appropriation of the new state revenues;

13 (f) The cost-benefit analysis required by section 99.810
14 includes a study of the fiscal impact on the state of Missouri;
15 and

16 (g) The statement of election between the use of the
17 incremental increase of the general revenue portion of the state
18 sales tax revenues or the state income tax withheld by employers
19 on behalf of new employees who fill new jobs created in the
20 redevelopment area;

21 (h) The name, street and mailing address, and phone number
22 of the mayor or chief executive officer of the municipality;

23 (i) The street address of the development site;

24 (j) The three-digit North American Industry Classification
25 System number or numbers characterizing the development project;

26 (k) The estimated development project costs;

27 (l) The anticipated sources of funds to pay such
28 development project costs;

29 (m) Evidence of the commitments to finance such development

1 project costs;

2 (n) The anticipated type and term of the sources of funds
3 to pay such development project costs;

4 (o) The anticipated type and terms of the obligations to be
5 issued;

6 (p) The most recent equalized assessed valuation of the
7 property within the development project area;

8 (q) An estimate as to the equalized assessed valuation
9 after the development project area is developed in accordance
10 with a development plan;

11 (r) The general land uses to apply in the development area;

12 (s) The total number of individuals employed in the
13 development area, broken down by full-time, part-time, and
14 temporary positions;

15 (t) The total number of full-time equivalent positions in
16 the development area;

17 (u) The current gross wages, state income tax withholdings,
18 and federal income tax withholdings for individuals employed in
19 the development area;

20 (v) The total number of individuals employed in this state
21 by the corporate parent of any business benefitting from public
22 expenditures in the development area, and all subsidiaries
23 thereof, as of December thirty-first of the prior fiscal year,
24 broken down by full-time, part-time, and temporary positions;

25 (w) The number of new jobs to be created by any business
26 benefitting from public expenditures in the development area,
27 broken down by full-time, part-time, and temporary positions;

28 (x) The average hourly wage to be paid to all current and
29 new employees at the project site, broken down by full-time,

1 part-time, and temporary positions;

2 (y) For project sites located in a metropolitan statistical
3 area, as defined by the federal Office of Management and Budget,
4 the average hourly wage paid to nonmanagerial employees in this
5 state for the industries involved at the project, as established
6 by the United States Bureau of Labor Statistics;

7 (z) For project sites located outside of metropolitan
8 statistical areas, the average weekly wage paid to nonmanagerial
9 employees in the county for industries involved at the project,
10 as established by the United States Department of Commerce;

11 (aa) A list of other community and economic benefits to
12 result from the project;

13 (bb) A list of all development subsidies that any business
14 benefitting from public expenditures in the development area has
15 previously received for the project, and the name of any other
16 granting body from which such subsidies are sought;

17 (cc) A list of all other public investments made or to be
18 made by this state or units of local government to support
19 infrastructure or other needs generated by the project for which
20 the funding pursuant to this section is being sought;

21 (dd) A statement as to whether the development project may
22 reduce employment at any other site, within or without the state,
23 resulting from automation, merger, acquisition, corporate
24 restructuring, relocation, or other business activity;

25 (ee) A statement as to whether or not the project involves
26 the relocation of work from another address and if so, the number
27 of jobs to be relocated and the address from which they are to be
28 relocated;

29 (ff) A list of competing businesses in the county

1 containing the development area and in each contiguous county;

2 (gg) A market study for the development area;

3 (hh) A certification by the chief officer of the applicant
4 as to the accuracy of the development plan;

5 (2) The methodologies used in the application for
6 determining the base year and determining the estimate of the
7 incremental increase in the general revenue portion of the state
8 sales tax revenues or the state income tax withheld by employers
9 on behalf of new employees who fill new jobs created in the
10 redevelopment area shall be approved by the director of the
11 department of economic development or his or her designee and the
12 commissioner of the office of administration or his or her
13 designee. Upon approval of the application, the director of the
14 department of economic development or his or her designee and the
15 commissioner of the office of administration or his or her
16 designee shall issue a certificate of approval. The department
17 of economic development may request the appropriation following
18 application approval;

19 (3) The appropriation shall be either a portion of the
20 estimate of the incremental increase in the general revenue
21 portion of state sales tax revenues in the redevelopment area or
22 a portion of the estimate of the state income tax withheld by the
23 employer on behalf of new employees who fill new jobs created in
24 the redevelopment area as indicated in the municipality's
25 application, approved by the director of the department of
26 economic development or his or her designee and the commissioner
27 of the office of administration or his or her designee. At no
28 time shall the annual amount of the new state revenues approved
29 for disbursements from the Missouri supplemental tax increment

1 financing fund exceed thirty-two million dollars;

2 (4) Redevelopment plans and projects receiving new state
3 revenues shall have a duration of up to fifteen years, unless
4 prior approval for a longer term is given by the director of the
5 department of economic development or his or her designee and the
6 commissioner of the office of administration or his or her
7 designee; except that, in no case shall the duration exceed
8 twenty-three years.

9 11. In addition to the areas authorized in subsection 9 of
10 this section, the funding authorized pursuant to subsection 4 of
11 this section shall also be available in a federally approved
12 levee district, where construction of a levee begins after
13 December 23, 1997, and which is contained within a county of the
14 first classification without a charter form of government with a
15 population between fifty thousand and one hundred thousand
16 inhabitants which contains all or part of a city with a
17 population in excess of four hundred thousand or more
18 inhabitants.

19 12. There is hereby established within the state treasury a
20 special fund to be known as the "Missouri Supplemental Tax
21 Increment Financing Fund", to be administered by the department
22 of economic development. The department shall annually
23 distribute from the Missouri supplemental tax increment financing
24 fund the amount of the new state revenues as appropriated as
25 provided in the provisions of subsections 4 and 5 of this section
26 if and only if the conditions of subsection 10 of this section
27 are met. The fund shall also consist of any gifts,
28 contributions, grants or bequests received from federal, private
29 or other sources. Moneys in the Missouri supplemental tax

1 increment financing fund shall be disbursed per project pursuant
2 to state appropriations.

3 13. Redevelopment project costs may include, at the
4 prerogative of the state, the portion of salaries and expenses of
5 the department of economic development and the department of
6 revenue reasonably allocable to each redevelopment project
7 approved for disbursements from the Missouri supplemental tax
8 increment financing fund for the ongoing administrative functions
9 associated with such redevelopment project. Such amounts shall
10 be recovered from new state revenues deposited into the Missouri
11 supplemental tax increment financing fund created under this
12 section.

13 14. For redevelopment plans or projects approved by
14 ordinance that result in net new jobs from the relocation of a
15 national headquarters from another state to the area of the
16 redevelopment project, the economic activity taxes and new state
17 tax revenues shall not be based on a calculation of the
18 incremental increase in taxes as compared to the base year or
19 prior calendar year for such redevelopment project, rather the
20 incremental increase shall be the amount of total taxes generated
21 from the net new jobs brought in by the national headquarters
22 from another state. In no event shall this subsection be
23 construed to allow a redevelopment project to receive an
24 appropriation in excess of up to fifty percent of the new state
25 revenues."; and

26 Further amend the title and enacting clause accordingly.

